THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No: 27018 of 2005

Dt.20-12-2005

Between:

1. A.D.S.P. Prasad S/o Sri Satyanarayana, Hindu, aged 23 years,
bus owner AP 37/T-6657, r/o Nehrunagar, Bhimavaram –1,
West Godavari District and 9 others.

…PETITIONERS

AND

1. The Regional Transport Authority,

West Godavari District at Eluru by its Secretary and 5 others.

…RESPONDENTS

ORDER: -

The petitioners are existing operators of town service in Bhimavaram town. They challenge the proceedings of the Regional Transport Authority, West Godavari District, the first respondent herein, dated 10-11-2005, whereunder five more permits were granted on the town service. The petitioners contend that the respondents did not take into account the condition of the roads, the effect of the grant of five fresh permits, pollution, and other related matters.

2. Sri T. Venkataramana, learned Counsel for the petitioners submits that the respondents are under obligation to take into account various factors, such as the

condition of the roads, the market needs and sound pollution, in the event of any new permits being granted and the record, much less the impugned order, does not disclose that these aspects were taken into account. He has drawn the attention to paragraph 15 of the judgment of the Supreme Court in **MITHILESH GARG v. UNION OF INDIA**.

3. Learned Government Pleader for Transport, on the other hand, submits that the respondents have considered the applications of various individuals for grant of fresh permits, taking into account the needs of the traveling public as well as the potential for grant of fresh permits. He contends that the petitioners, who are existing operators, cannot have any objection nor can they plead the grounds, such as the condition of the roads and pollution, when they themselves are plying on the concerned roads.

4. The petitioners feel aggrieved by the action of the respondents in granting permits to five individuals to ply in the town service routes. The petitioners are not able to point out any infraction of the provisions of the Motor Vehicles Act (for short, 'the Act') or Motor Vehicles Rules on the part of the respondents in granting permits. In its judgment referred to above, the Supreme Court took the view that under the provisions of the Act, any number of permits can be granted and that the discretion of the Regional Transport in this regard cannot be fettered. It is true that a reference was made to factors such as condition of roads, social status of applicants, fuel availability, pollution control etc. However, in that very paragraph, the Supreme Court also took the view that these aspects are deemed to have been taken into account by the Regional Transport Authority and if any infraction takes place, it can be canvassed before the statutory authorities.

5. In the instant case also, if the petitioners are of the view that the new permit holders are going to cause any pollution, they can certainly take the matter to the notice of the statutory agency concerned. The same is the case with other complaints. This Court does not find any basis to grant the relief to the petitioners.

6. Accordingly, the writ petition is dismissed.

JUSTICE L. NARASIMHA REDDY

Dt.20-12-2005

GLV